

MISSOURI COURT OF APPEALS WESTERN DISTRICT

**IN RE: J.M.J.
M.W. and R.W,**

Respondents,

v.

D.J. (Mother),

Appellant.

DOCKET NUMBER WD75852

Date: July 30, 2013

Appeal from:
Callaway County Circuit Court
The Honorable Leslie M. Schneider, Judge

Appellate Judges:
Division Three: Lisa White Hardwick, Presiding Judge, Mark D. Pfeiffer and Cynthia L. Martin, Judges

Attorneys:
Anna K. Lingo, Columbia, MO for Respondent
Elizabeth K. Magee, Columbia MO for J.M.J., and David F. Barrett for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

IN RE: J.M.J.

M.W. and R.W.,

Respondents,

v.

D.J. (Mother),

Appellant.

WD75852

Callaway County

Before Division Three: Lisa White Hardwick, Presiding Judge, Mark D. Pfeiffer and Cynthia L. Martin, Judges

D.J. ("Mother") appeals the juvenile court's judgment terminating her parental rights to her daughter, J.M.J., and granting the petition of J.M.J.'s maternal grandfather, R.W., and step-grandmother, M.W., (referred to collectively as "Grandparents"), to adopt J.M.J. On appeal, Mother contends the juvenile court should have dismissed the adoption petition for lack of jurisdiction because J.M.J. was already the subject of letters of guardianship issued by the probate court. Mother also argues the evidence was insufficient to support the court's finding that she abandoned and neglected J.M.J. Lastly, Mother asserts that the termination of her parental rights and adoption violated Missouri's public policy against dividing the custody of siblings.

AFFIRMED

Division Three holds:

(1) The juvenile court did not err in exercising its authority to proceed on the adoption petition. Although J.M.J. was also the subject of letters of guardianship in the probate court, there was no possibility under the circumstances of this case that the juvenile court's proceeding on the adoption petition would result in wasteful duplication or inconsistent judgments.

(2) Sufficient evidence supported the court's findings that Mother abandoned and neglected J.M.J. by not providing her any meaningful financial or emotional support; not having any meaningful involvement in her medical care, school, or activities; not creating a safe home environment; and essentially abdicating her parental duties to Grandparents.

(3) The adoption and resulting termination of Mother's parental rights was in J.M.J.'s best interests even though it divided the custody of J.M.J. and her two half-siblings. That J.M.J. has such a close bond with her half-siblings, despite never having lived with them, is largely due to Grandparents' efforts to foster the siblings' relationship. Grandparents indicated that they would continue their efforts to preserve this relationship after the adoption.

Opinion by: Lisa White Hardwick, Judge

July 30, 2013

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